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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/694,402 | 10/22/2000 | John Thaddeus Pienkos | | 9105 |

7590 08/05/2005

PATENTBANK L.L.C. ATTN: John T. Pienkos
5017 N. HOLLYWOOD Ave.
WHITEFISH BAY, WI 53217

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| EXAMINER |
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BLECK, CAROLYN M

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| ART UNIT | PAPER NUMBER |
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3626

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/694,402

Applicant(s)

PIENKOS, JOHN THADDEUS

Examiner

Carolyn M. Bleck

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 22 May 2005.

Claims 1-20 are pending. Claims 1-20 have not been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 9, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Luchs et al. (4,831,526), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claims 1-4, 9, 11, and 14 have not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) as applied to Claim 1 above, respectively, and in further view of Cullen et al. (6,272,528), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claim 5 has not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) as applied to Claim 1 above, respectively, and in further view of Mizuno (6,380,953), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claims 6-7 have not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) as applied to claim 1, and further in view of Pescitelli et al. (5,845,256), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claim 8 has not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

8. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) as applied to claim 1, and further in view of Official Notice, for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claims 10 and 13 have not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luchs et al. (4,831,526) as applied to claim 1, and further in view of Serdy (5,990,886), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claim 12 has not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

10. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al. (6,272,528) in view of Luchs et al. (4,831,526), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claims 15-18 have not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

11. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cullen et al. (6,272,528) and Luchs et al. (4,831,526) as applied to claim 15, and further in view of Hartigan (0/205477), for substantially the same reasons as given in the previous Office Action (dated 1/25/04).

(A) Claims 19-20 have not been amended and are rejected for the same reasons given in the prior Office Action (paper dated 1/25/05).

Response to Arguments

12. Applicant's arguments filed 22 May 2005 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear in the response filed 22 May 2005.

(A) At pages 2-4 of the response filed 22 May 2005, Applicant argues that the applied prior art fails to teach a feature recite in each independent claim. The feature, according to Applicant, is that the "insurance coverage being requested is limited to coverage during a time period that is less than a month or to coverage for a geographical region that is smaller than an entire nation."

The Examiner notes that in claim 1 the particular limitation that Applicant is referring to is "providing a field for an input of a limitation relating to a desired insurance coverage, the limitation including at least one of a time period indication of a time period less than a month and a geographical region indication of a geographical region smaller in size than an entire nation." As the claim is presently recited, the prior art of record is only required to disclose one of these limitations. The Examiner cited Luchs for disclosing the following: entering data into fields relating to a desired insurance coverage, wherein the fields include the effective date of the insurance policy, the expiration date of the insurance policy, and the zip code and state of the policy holder (Fig. 10A-B, col. 22 line 5 to col. 23 line 28). Further, Luchs discloses in Figures 10D-E, the insurance coverage pertaining to a home. The Examiner notes that in these Figures, Luchs specifically discloses a limitation for homeowner's insurance being the county and state in which the home is located.

In addition, the Examiner respectfully submits that the claims are given their broadest reasonable interpretation (see MPEP 2111). Thus, claim 1 only requires that a limitation be inputted pertaining to insurance coverage, wherein the limitation pertains to a geographical region smaller than the nation. It is noted that the features upon which applicant relies (i.e., the method and system allows a customer to obtain a special type of insurance relationship with an insurance carrier in which the customer is able to "turn on" and "turn off" his or her insurance at customer-defined times, by accessing the insurance carrier website and typing in the appropriate information) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

15. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 or (703) 872-9326 [Official communications]

(703) 872-9327 [After Final communications labeled "Box AF"]

(571) 273-6767 [Informal/ Draft communications, labeled
"PROPOSED" or "DRAFT"]


Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

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CB

July 29, 2005



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600